

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

NO. 04-40027-FDS

UNITED STATES OF AMERICA

V.

ROBERT FAFARD

**MOTION TO CONTINUE**

Now comes the Defendant, Robert Fafard, in the above-entitled matter and respectfully requests that the trial in the above-entitled matter be continue from March 6, 2006 to a date in April 2006 that is mutually agreeable by all parties. The reasons for this motion are as follows:

1. Attorney for the Defendant is scheduled to begin a first-degree murder trial, Commonwealth v. Jesus Gamboa on March 6, 2006.
2. This case is scheduled to last three weeks.
3. I was forced to move this case from February due to a conflict I had with a pre-paid conference which will be held from February 20-25<sup>th</sup> in Seattle Washington.
4. I assumed that the Gamboa case would be over before the conference began, but the Commonwealth has informed me that it is a three-week trial.
5. Commonwealth v. Jesus Gamboa is a three-year-old case involving the murder of a motel clerk in West Springfield, MA.
6. Mr. Gamboa has been incarcerated since his arrest.
7. The trial judge stated that this case has to be tried because of the age of the case and the nature of the case.
8. This case will not be a plea
9. I also have a two week murder trial in May, Commonwealth v. Rivera involving a murder and rape of a three year old by a twelve year old. This case will also last a couple of weeks.

10. As of now, my April is currently free but I have a third murder case, Commonwealth v. Diaz, involving four co-defendants, currently unscheduled from Franklin County that the court wants to schedule in March or April
11. I am attempting to schedule the Diaz case in June, which would leave my April open.
12. All three of these cases involve many witnesses and are difficult cases with defendants all in custody.
13. Mr. Fafard is not currently in custody.
14. Further, The Government intends to supercede the indictment in the above-entitled matter and has not yet done so.
15. Due to the fact that the Government intends to supercede the indictment there is still more work to do to prepare for this trial.
16. I am also talking to the defendant about a plea in this matter.
17. So far, due to the possible length of incarceration, these discussions have been difficult, but are ongoing.

/s/ Alan J. Black  
Alan J. Black, Esquire  
Law Offices of Alan J. Black  
1383 Main Street  
Springfield, MA 01103  
(413) 732-5381  
BBO # 533768